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C O N F I D E N T I A L MANAMA 000676

SIPDIS

STATE PASS TO ALL NEAR EAST
DEPT FOR NEA/FO:JLAROCO, NEA/ARP, L/PM, AND PM/RSAT
CAIRO FOR STEVE BONDY

E.O. 12958: DECL: 05/09/2029

TAGS: PREL BA KICC

SUBJECT: ARTICLE 98 AGREEMENT IN PROCESS

REF: MANAMA

Classified By: CDA Robert S. Ford for reasons 1.5(b)(d).

1.(U) This is an action message. Please see Para 5.

2.(C) Bahrain expects to complete its work to bring the article 98 agreement into force in 10-14 days, Assistant Undersecretary for Cooperation and Follow up Shaikh Abd al-Aziz bin Mubarak Al-Khalifa told POL/ECON Chief on May 9. Senior officials and lawyers are still debating which methodology to use - an exchange of notes, or a Royal decree, Abd al-Aziz related. Given the Abu Ghraib revelations in Iraq, he commented, the GOB has no desire whatsoever to notify parliament or the public of the existence of the article 98 agreement, which mitigates against the Royal decree approach. Only five officials at the Foreign Ministry, Shaikh Abd al-Aziz emphasized, know of the existence of this agreement.

3.(C) Shaikh Abd al-Aziz said that they are looking closely at the possibility of limiting the duration of the agreement. This, he stated, might allow them to bring the agreement into force via an exchange of notes. Shaikh Abd al-Aziz noted that the U.S. and Bahrain's signature of the agreement complicates such a process. He wondered if a clause limiting the duration of the agreement could be included in the exchanged diplomatic notes.

4.(C) Shaikh Abd al-Aziz also drew POL/ECON Chief's attention to the use of the word "ratified" in the language of the note we proposed for the exchange. He commented that use of this word makes his job more difficult because Bahraini lawyers immediately insist that "ratification" of an agreement requires National Assembly approval.

5.(C) ACTION REQUEST: Post would appreciate the Department's guidance on whether we would be willing to limit the duration of the agreement and how that could be achieved given that we have already signed the text. Post would also appreciate guidance on whether there are substitutes for "ratified" or "ratification" that could be used in an eventual exchange of notes. Charge is likely to see the Minister of State for Foreign Affairs on May 12 and could raise this issue then.
END ACTION REQUEST.

FORD